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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,027	09/13/2003	Joseph W. Coburn JR.	- - - 15262-	3503
7590	09/10/2004			EXAMINER CHANG, AUDREY Y
R. GALE RHODES, JR., OF COUNSEL MOSER, PATTERSON & SHERIDAN, LLP Suite 100 595 Shrewsbury Avenue Shrewsbury, NJ 07702			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

10

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/664,027	COBURN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Audrey Y. Chang	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/13/2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the term “Pyrex”, that is a trademark. The term is being used in the claim as a limitation for identifying a particular material or product which therefore is not proper and does not comply with the requirements of the 35 USC 112, second paragraph, (please see MPEP 2173.05(u)).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekimura et al (PN. 4,786,148).**

Sekimura et al teaches a *laminated color filter* that is comprised of a layer of *colored resin film* that is formed on a *transparent glass substrate* with a *primer* such as *silane*, serves as the *adhesive layer* intermediate between the colored resin layer and glass substrate to increase the bonding strength between the two, (please see column 7, lines 10-45). The colored resin film, which is a *plastic* film, is formed by having colorants, such as dye or color pigments mixed in the resin, (please see column 6, lines 35-39).

The silane adhesive layer is known in the art to be a *pressure sensitive adhesive*.

**This reference has therefore anticipated the claims.**

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Sekimura et al in view of the Japan patent issued to Watanabe et al and US patent issued to Kobayashi (PN. 5,757,443).**

Sekimura et al teaches a *laminated color filter* that is comprised of a layer of *colored resin film* that is formed on a *transparent glass substrate* with a *primer* such as *silane*, serves as *the adhesive layer* intermediate between the colored resin layer and glass substrate to increase the bonding strength between the two, (please see column 7, lines 10-45). The colored resin film, which is a plastic film, is formed by having colorants, such as dye or color pigments mixed in the resin, (please see column 6, lines 35-39).

Sekimura et al teaches that the colored resin layer may be a layer of *polycarbonate*, which has *a definite thermal conductivity*. The glass substrate presumably has a definite thermal conductivity also. The silane adhesive layer is known in the art to be *a pressure sensitive adhesive*. It is implicitly true that the thermal conductivities for the polycarbonate layer, the glass substrate and the adhesive layer will cause heat transfer between the layers. However this reference does not teach explicitly to use a glass substrate with higher thermal conductivity than the colored resin layer to convey the heat transfer from the colored resin to the substrate or base. Watanabe et al in the same field of endeavor teaches to have the *color filter* (2) having a *transparent film* (3) with *high thermal conductivity* so that heat accumulated in the color filter is transferred to the transparent film (3) and released outside, (please see the abstract and Figures 1 and 2). Kobayashi in the same field of endeavor also teaches to use a *heat-dissipating glass*

Art Unit: 2872

with high thermal conductivity to release heat out of a display device. It would then have been obvious to apply the teachings of Watanabe et al and Kobayashi to use a *heat-dissipating glass* with high thermal conductivity as the *glass substrate* of the color filter of Sekimura et al to for the benefit of allowing the heat accumulated in the colored-resin or plastic layer be transferred to and dissipated through the glass substrate to reduce possible heat damage to the colored resin layer and therefore the color filter.

With regard to claims 4-5, Sekimura et al teaches that the colored resin layer is a layer *polycarbonate* which is a *thermoplastic material*, (please see column 7, line 17).

With regard to claims 6-9, Sekimura et al teaches that the substrate is a transparent glass but it does not teach explicitly that the glass substrate includes Pyrex or quartz glass. Kobayashi in the same field of endeavor teaches that the *heat-dissipating glass may be quartz glass*, (please see column 4, lines 14-15). It would then have been obvious to one skilled in the art to use quartz glass as the glass substrate for the color filter for the benefit of allowing heat accumulated in the colored resin layer to be dissipated out. With regard to claim 9, it is implicitly true that the thermal conductivity for the quartz glass is four times of the thermal conductivity of colored polycarbonate layer.

With regard to claims 10-13, these references do not teach explicitly about the layer thickness for the various layers. However such thickness are either inherently met by the disclosure or obvious modifications to one skilled in the art for the benefits of making the color filter with desired color characteristics as well as good heat dissipation to protect the laminated color filter.

**7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Sekimura et al in view of the patent issued to Takushima et al (PN. 6,465,092).**

The laminated color filter taught by Sekimura et al as described for claim 14 above has met all the limitations of the claim with the exception that it does not teach explicitly that a release layer is attached to the adhesive layer. However using a release layer with an adhesive layer in a laminated

Art Unit: 2872

optical element is very common in manufacturing process of the laminated optical element as taught by Takushima et al. Takushima et al teaches that a release layer may be formed on an adhesive layer such that it provides convenience to the manufacturing process of an laminated optical element since it make the optical element easily being adhered and released from object or substrate adhered to, (please see column 16, lines 13-26).

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 571-272-2309. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Chang, Ph.D.

*Audrey Y. Chang  
Primary Examiner  
Art Unit 2872*